

RALPH NOYES

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TO: Tennessee Supreme Court, Administrative Office of the Courts
FAX (615) 741-6285

FROM: Ralph Noyes, Attorney at Law
FAX (901) 325-1409

RE: Comments -- Proposed Rule for Court Interpreters

Dear Sirs/Mesdames:

I am a Spanish-speaking lawyer in Memphis who often interacts with court interpreters. I am writing on behalf of several registered court interpreters who asked me to convey some of their concerns regarding the way the new rules are working out in practice. And I have a couple of comments of my own at the end.

- 1) The interpreter voucher form leaves blank the cap on the amount of compensation a judge may authorize. This is a cause for concern for the interpreters, and for at least one Memphis Criminal Court judge, because they have no idea what amount to fill in. Caps should be quite different in General Sessions, as opposed to Criminal Court, and in the latter court much will depend on the nature of the case; but in any event, judges and the interpreters alike would benefit from some guidance. Perhaps the form should be modified; I believe it is derived from the ancient and cumbersome pay voucher for court-appointed attorneys.
- 2) When the AOC disburses, the date of receipt of the interpreter's request for payment is noted on the voucher accompanying the check. It would be most helpful if the voucher would make reference instead (or also) to the date the service was rendered. Thus interpreters will be able to keep track of which cases they have been paid for.
- 3) Some consideration should be given to a minimum appearance fee for interpreters. After one has gotten dressed, driven to the courthouse, and paid \$5 for parking, it is not fair to allow an interpreter compensation for only one tenth of an hour, to take the extreme case. In the private sector – in legal and medical translation – the customary minimum is two hours. Consideration should be given to a minimum compensation for an interpreter's trip to the courthouse in her professional capacity.

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- 1) The interpreter voucher form leaves blank the cap on the amount of compensation a judge may authorize. This is a cause for concern for the interpreters, and for at least one Memphis Criminal Court judge, because they have no idea what amount to fill in the blank on the form. Caps should be different in General Sessions as opposed to Criminal Court, and in the latter court much will depend on the nature of the case, but in any event, judges and the interpreters alike would benefit from some guidance. Perhaps the form should be modified; I believe it is derived from the ancient and cumbersome pay voucher for court-appointed attorneys.
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Personally, I know that none of the court-approved interpreters are getting rich off their work, and they appear to be very dedicated and professional. Ongoing efforts to upgrade their professional status are to be commended. The interpreters do appreciate these efforts, I can assure you.

On the other hand, non-English-speaking defendants, especially Spanish speakers, perhaps especially in Memphis, are continually victimized by independent or attorney-affiliated interpreters,

some of whom cheat both the client and the attorney for whom they are working or (sometimes) soliciting business. There are some bad so-called interpreters out there - I would call them runners -- and those of us who want our Spanish-speaking clients to be treated right in Tennessee courts would love to see a significant housecleaning aimed at eliminate certain independent interpreters who are nothing but predators.

Please contact me if you have any questions. Thank you for your attention to these matters.

Cordially,

Ralph Noyes
Attorney at Law